

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
BRENDA WILKINS	:	VIOLATIONS:
	:	18 U.S.C. § 666(a) (theft of federal
	:	program funds - 1 count)
	:	18 U.S.C. § 1512(b)(1) (witness
	:	tampering - 1 count)
	:	18 U.S.C. § 1001 (making a false
	:	statement - 1 count)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The Philadelphia Housing Development Corporation ("PHDC") was a nonprofit corporation with offices located at 1234 Market Street, 17th Floor, Philadelphia, Pennsylvania. Part of the stated mission of the PHDC was to help make home ownership possible for families of low and moderate incomes. To that end, the PHDC developed new housing and rehabilitated existing homes for sale to qualified buyers.

2. PHDC constituted an organization which received annual benefits in excess of \$10,000 in calendar years 2004 through 2005 under a federal program involving a grant, contract, subsidy, loan, guarantee, and other form of federal assistance, in connection with

PHDC's home development programs.

3. The Homeownership Rehabilitation Program ("HRP") was one of the programs through which the PHDC sold properties to home buyers. Through the HRP program, PHDC provided a subsidy for the rehabilitation of vacant homes by developers for sale to eligible home buyers. After a property was rehabilitated through the HRP program, PHDC sold the property to an eligible home buyer for a price at or near the fair market value of the property.

4. In or about 1997, the PHDC paid \$23,000 to purchase a property located at 5437 Marsden Street, in Philadelphia, Pennsylvania ("5437 Marsden Street"). The PHDC designated the property at 5437 Marsden Street for use in the HRP program.

5. In or about 1998, after the PHDC had invested additional funds to rehabilitate 5437 Marsden Street, the PHDC listed 5437 Marsden Street as a property available for sale to eligible home buyers at a purchase price of \$40,000.

6. Defendant BRENDA WILKINS, a resident of Philadelphia, Pennsylvania, was an employee of the PHDC and as such was its agent.

7. R.W., a person known to the grand jury, was a resident of Philadelphia, Pennsylvania, and was the daughter of defendant BRENDA WILKINS.

8. T.B., a person known to the grand jury, was a resident of Philadelphia, Pennsylvania, and was the boyfriend of R.W.

9. In or about 2000, R.W. was pregnant with T.B.'s child. When defendant BRENDA WILKINS learned that R.W. and T.B. wanted to find a home in which to live together, WILKINS provided R.W. and T.B. with a list of vacant properties owned by the PHDC. Without any authority to do so, WILKINS advised R.W. and T.B. to choose a property from the list and to

move into the property. One of the properties on the list was the property located at 5437 Marsden Street.

10. In or about 2000, R.W. and T.B. moved into the property located at 5437 Marsden Street. R.W. and T.B. did not have any legal authority to enter or live in the property.

11. From in or about 2000 through in or about 2005, either R.W. or T.B. or both R.W. and T.B. continued to live in the property at 5437 Marsden Street.

12. On or about July 7, 2005, defendant BRENDA WILKINS, acting as an agent of the PHDC, caused the sale of the property at 5437 Marsden Street from the PHDC to T.B. for the nominal fee of \$1. WILKINS knew that 5437 Marsden Street should have been sold through the HRP program at or near its fair market value. In causing the sale of 5437 Marsden Street from the PHDC to T.B., WILKINS caused T.B.'s signature to be forged on documents related to the sale, WILKINS created fraudulent documents regarding 5437 Marsden Street, and WILKINS failed to disclose her family relationship with T.B., despite her knowledge of PHDC policies that required WILKINS to disclose such conflicts of interest.

13. On or about July 23, 2005, T.B. sold 5437 Marsden Street to R.W. for the nominal fee of \$1.

14. In or about September 2005, defendant BRENDA WILKINS retired and ended her employment at the PHDC.

15. In or about December 2005, the value of the property located at 5437 Marsden Street was appraised to be \$65,000.

16. From at least in or about April 2005 through on or about July 23, 2005,
defendant

BRENDA WILKINS,

being an agent and employee of the PHDC, an organization which received benefits of over \$10,000 in any one-year period under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance or other form of federal assistance, embezzled, stole, obtained by fraud, and otherwise without authority knowingly converted and intentionally misapplied property valued at \$5,000 or more, that is, the property located at 5437 Marsden Street, in Philadelphia, Pennsylvania, which was owned by and under the care, custody and control of the PHDC.

In violation of Title 18, United States Code, Section 666(a)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. From in or about July 2008 through in or about April 2009, a federal grand jury was investigating, among other things, federal criminal violations committed by defendant BRENDA WILKINS.

2. On or about September 16, 2008, a special agent of the Federal Bureau of Investigation served a federal grand jury subpoena on T.B., a person known to the grand jury, commanding that T.B. appear before the grand jury and bring documents relating to 5437 Marsden Street, Philadelphia, PA. T.B. agreed to cooperate with the investigation.

3. On or about October 9, 2008, at approximately 10:15 a.m., T.B. placed a consensually monitored telephone call to defendant BRENDA WILKINS. During the call, T.B. told WILKINS that he had received a subpoena relating to the property located at 5437 Marsden Street. In response, WILKINS asked T.B. to come see her at her home.

4. On or about that same date, at approximately 11:15 a.m., T.B. arrived at the home of defendant BRENDA WILKINS in Philadelphia, Pennsylvania. After T.B. entered the house, WILKINS sought to influence the testimony of T.B. WILKINS attempted to persuade T.B. to testify falsely, that is, to testify that T.B. had come to the PHDC offices to sign documents related to the sale of 5437 Marsden Street from PHDC to T.B., knowing that T.B. had not come into the PHDC offices to sign such documents.

5. On or about October 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

BRENDA WILKINS

knowingly attempted to intimidate, threaten and corruptly persuade T.B., with the intent to influence, delay and prevent his testimony in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant BRENDA WILKINS.

In violation of Title 18, United States Code, Section 1512(b)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 15 of Count One are incorporated here.

2. On or about October 22, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

BRENDA WILKINS,

in a matter within the jurisdiction of the Federal Bureau of Investigation ("FBI"), an agency of the United States Department of Justice, knowingly and willfully made a false material statement.

3. Agents of the FBI were investigating whether defendant BRENDA WILKINS, acting as an agent of the PHDC, had knowingly converted and intentionally misapplied the property located at 5437 Marsden Street, as described in paragraphs 1 through 14 of Count One of this indictment.

4. It was material to this investigation to determine when and how T.B. first moved into the property located at 5437 Marsden Street.

5. With respect to this material matter, defendant BRENDA WILKINS told FBI agents that she did not know that T.B. had ever lived as a squatter at 5437 Marsden Street until he came into the PHDC offices in order to apply to purchase the property in or about 2004.

6. This statement of defendant BRENDA WILKINS, as she then and there well knew and believed, was false in that WILKINS knew that T.B. and R.W. had moved into the

property at 5437 Marsden Street in or about 2000, only after WILKINS had provided them with a document showing that 5437 Marsden Street was a vacant property that was owned by the PHDC.

In violation of Title 18, United States Code, Section 1001.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 666(a)(1)(A), set forth in Count One of this indictment, defendant

BRENDA WILKINS

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c): any property, real or personal, that constitutes or is derived from proceeds traceable to any offense constituting specified unlawful activity, as defined in Title 18, United States Code, Section 1956(c)(7), or a conspiracy to commit such offense, including but not limited to the property located at 5437 Marsden Street, Philadelphia, Pennsylvania.

SUBSTITUTE ASSETS

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

then it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c) and 21 U.S.C. 853(p), to seek forfeiture of any other property of the

defendant up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

LAURIE MAGID
United States Attorney